IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NATHAN SMITH *Plaintiff,* v. THE ABANDONED VESSEL, *In Rem*	§ § § § § § § §	CIVIL ACTION NO. 4:07-00784

TEXAS HISTORICAL COMMISSION'S NOTICE OF APPEAL

TO THE HONORABLE JUDGE OF THE COURT:

The Texas Historical Commission (Hereinafter, "Commission"), hereby gives notice of its appeal to the United States Court of Appeals for the Fifth Circuit from the Order by the District Court denying the Commission's Amended Motion to Intervene, issued by the Court on February 23, 2009. The denial of a motion to intervene as a matter of right is a final, appealable order. *Heaton v. Monogram Credit Card Bank*, 297 F.3d 171 (5th Cir. 2002). The Commission sought to intervene in this case as a party-defendant.

Respectfully submitted,

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NOTICE OF ELECTRONIC FILING

I, Joe H. Thrash, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing a true and correct copy of the foregoing Notice of Appeal in accordance with the Electronic Case Files System of the Southern District of Texas - Houston Division, on this the 24th day of March, 2009.

JOE H. THRASH

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been delivered via Certified U. S. Mail, Return Receipt Requested, to counsel of record, on March 24, 2009, as follows:

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